

ASSEMBLY BILL

No. 632

Introduced by Assembly Member Davis

February 25, 2009

An act to add Section 1708.9 to the Civil Code, relating to privacy.

LEGISLATIVE COUNSEL'S DIGEST

AB 632, as introduced, Davis. Internet-based social networking: privacy.

Existing law provides that a person is liable for constructive invasion of privacy when he or she attempts to capture, in a manner that is offensive to a reasonable person, any type of visual image, sound recording, or other physical impression of another person engaging in a personal or familial activity under circumstances in which that other person had a reasonable expectation of privacy, through the use of a visual or auditory enhancing device, regardless of whether there is a physical trespass, if this image, sound recording, or other physical impression could not have been achieved without a trespass unless the visual or auditory enhancing device was used.

This bill would require a social networking Internet Web site, as defined, to prevent an image of a person that is posted on the Internet Web site by a user of the site from being copied or reproduced without the permission of the user who posted the image. The bill would also require the social networking Internet Web site to establish a mechanism for a user to flag an image that is posted on the site for removal from the network when the image is of the person requesting removal and the image is posted by another person on the other person's Internet Web site on the network.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1708.9 is added to the Civil Code, to
2 read:
3 1708.9. (a) A social networking Internet Web site shall do
4 both of the following:
5 (1) Prevent an image of a person that is posted on the Internet
6 Web site by a user of the site from being copied or reproduced
7 without the permission of the user who posted the image.
8 (2) Establish a mechanism for a user to flag an image that is
9 posted on the Internet Web site for removal from the network when
10 the image is that of the person requesting removal and the image
11 is posted by another person on the other person's Internet Web
12 site on the network.
13 (b) For purposes of this section, "social networking Internet
14 Web site" means a service that allows individuals to construct a
15 public or semipublic profile within a bounded system, articulate
16 a list of other users with whom they share an Internet Web site
17 connection, and view and traverse their list of connections and
18 those made by others within the system.